

**Board of Selectmen's Meeting Minutes**  
**January 21, 2010**  
**Harpswell Town Office**  
Approved on January 28, 2010

Page 1 of 5

At 5:30 p.m. the Board met to handle administrative matters; Selectman Multer briefly described her findings regarding LD-1551 and asked for it to be placed on next week's agenda for further comment; Carol Tukey, Town Planner, reviewed the updated proposed ordinances (scheduled for a public hearing on February 9) and the changes to the Blasting Ordinance by the Planning Board and the Affordable Housing Ordinance as amended by the Town Attorney; the Board expressed concern about the Shoreland Zoning foundation amendment and the Blasting Ordinance and requested further changes for review at next week's meeting; the Board agreed to proceed with the Site Plan, Swimming Pools, Affordable Housing and Sign Ordinance amendments. The rest of the administrative meeting items were discussed at the conclusion of the regular meeting.

**Selectmen Present:** James S. Henderson, Mark E. Wallace and Elinor Multer

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; William Wells, Code Enforcement Officer; and Marguerite Kelly, Treasurer

**Call to Order and Pledge of Allegiance:** The meeting was called to order at 6:35 PM.

The meeting was videotaped and broadcast live on Harpswell Community Television.

**1. Adoption of the Agenda:** There were no changes.

**2. Public Comment:** None.

**3. Approval of the Minutes:** Chairman Henderson moved, seconded by Selectman Multer to approve the January 7 minutes by accepting the editorial suggestions submitted to the office by email by individual selectmen; motion passed 3-0.

**4. Town Administrator's Report:** Administrator Eiane announced the Town would host a flu clinic on Thursday, January 28 from 9:00 a.m. to 12:00 noon for both seasonal and H1N1 vaccines, administered by CHANS. Administrator Eiane announced there will be an informational meeting on Tuesday, January 26 at 7:00 p.m. at West Harpswell School regarding the pipeline removal project; the Navy and the contractor will be in attendance to answer any questions. Administrator Eiane reported the Town received 13 responses to its request for proposals on engineering services and that a review group will undertake the interviews to form a recommendation for the Board. Administrator Eiane reported that she and Selectman Wallace held a progress meeting with Goodall Landscaping regarding the winter maintenance of the roads. The Town raised some concerns and Goodall agreed to provide additional resources. Administrator Eiane encouraged the public to contact the Town with any concerns. Administrator Eiane reported the annual audit is underway with the auditors here this week and she thanked staff members for their preparation. Administrator Eiane announced that dog registrations are due by January 29, after which an additional \$15 late fee will be assessed.

**5. Selectmen's Announcements:** Selectman Wallace stated he wants to hold Goodall to the highest standards and while they are not there yet, he believes Goodall has been responsive and wants to improve.

**6. Wharf Applications**

- **Richard and Victoria Gallerani, Tax Map 24, Lot 74, 31 West Shore Road:** Chairman Henderson opened the hearing at 6:45 p.m. William Wells, Code Enforcement Officer, reviewed the application for a wharf system and reported there has not been any input from the abutters. Chairman Henderson closed the hearing at 6:48 p.m. Chairman Henderson moved, seconded by Selectman Wallace to approve the

application as it does not create a hazard to navigation or cause injury to the rights of others; motion passed 3-0.

- **William McEnroe, Tax Map 47, Lot 193, Hemlock Lane:** Chairman Henderson opened the hearing at 6:48 p.m. William Wells, Code Enforcement Officer, reviewed the application for a wharf system and reported there has not been any input from the abutters. Chairman Henderson closed the hearing at 6:50 p.m. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not create a hazard to navigation or cause injury to the rights of others; motion passed 3-0.

**7. Carrying Place Assembly:** Samuel Alexander stated the Carrying Place Assembly made an initiative last year to restore the northern Merriconeag boundary line between Harpswell and Brunswick. The Assembly has researched the history of the line and is convinced that the line as accepted by the 1998 Town Meeting is incorrect. Mr. Alexander stated the Assembly is not going away and is planning to continue its work on restoring the line. John Loyd stated the 1998 Town Meeting voted to change the line and while it took some time to convince him that the vote was incorrect, he is now convinced. Mr. Loyd stated the Assembly wants to bring this issue back to the next legislative session and needs the Town's support to do so. Mr. Loyd requested the following from the Board: 1. allow the Assembly to have a summary of its plans in the Town Report; 2. provide a staff liaison between the Town and the Assembly; 3. allow photocopying of documents; 4. place a warrant article on the March 2010 warrant to see if the inhabitants support the Assembly's efforts. Selectman Multer noted the Town has \$4,000 available to hire a lobbyist. Administrator Eiane noted the Board may want to ask Town Meeting to use those funds in whole or part since last year's Town Meeting denied appropriating funds for this effort. Gareth Anderson laid out the problems (comments attached) and stated they are continuing their efforts. Laddie Whidden reviewed the boundary. Amy Haible encouraged the Board to place an article on the warrant, allow a summary in the Town Report, and allow a liaison and a limited financial commitment such as copying. Chairman Henderson noted the Assembly's efforts and asked them to prepare a draft Town Report summary and a warrant article for review that perhaps may require a note detailing some associated costs.

**8. Treasurer's Report:** Marguerite Kelly, Treasurer, reviewed her monthly report for December. Ms. Kelly reported she has renewed the Town's letter of credit covering the Town's bank balances. Ms. Kelly stated the auditors have preliminarily proposed deferred revenue for the 2009 taxes of \$450,000, which is a large increase over the past years. There doesn't appear to be anything to indicate that the Town taxes are less collectable and this figure will be further debated. If the \$450,000 prevails, the figure will affect the undesignated fund balance and the use of it to offset the tax commitment. The Budget Advisory Committee has approved the use of \$200,000 from the undesignated fund balance and this number may be affected, which will be formalized in the next week.

**9. Countersign Warrant Re: Referendum on Closing of West Harpswell School:** Administrator Eiane explained this comes as a procedural matter from SAD 75, which is the same procedure as the June budget referendum. Chairman Henderson read the warrant regarding the closure of West Harpswell School and signed it, followed by the remaining Board members.

**10. Consider Changing Town Meeting Date:** Administrator Eiane explained this is a carryover from the last meeting when Rosalind Knight, Town Clerk, was explaining the difficulties of back to back secret ballot votes. SAD 75 has set March 9 as the vote regarding the closure of West Harpswell School and the Board has previously set the annual Town Meeting as March 13 but seems to entertain the idea to change it to March 20. Chairman Henderson noted that the legal advice states the date could be changed with minimal risk as long as those who took out papers for an election are notified. Selectman Multer moved, seconded by Chairman Henderson to set the Town Meeting date as March 20 (business meeting time to be determined); motion passed 3-0. Chairman Henderson noted he would like something on the warrant soliciting Town Meeting opinion regarding the legal advice to hold secret ballot voting separate from the business meeting of Town Meeting.

Selectman Multer suggested holding a meeting similar to the annual non-resident meeting to allow the Board to solicit input from residents on different issues.

**11. Report from West Harpswell School Workgroup:** Samuel Alexander represented the Workgroup and noted it was the best group he has ever worked with, particularly Jack Sylvester who prepared this report. Mr. Alexander thanked Linda Allen, Michael Estes and Chris Shaw for their assistance in the group's research. Mr. Alexander reviewed the report submitted by the Workgroup. He noted that after closure, the Bowdoinham School was sold to a commercial entity pointing out that there is a highway nearby to facilitate transportation. While the infrastructure (septic, well etc) and the land size are selling points for resale, sale may be difficult in this market especially due to the location being so far from mass transportation. The Board thanked all the Workgroup members for their competency and thorough report.

**12. Consider 2009 Carryover List:** Administrator Eiane reviewed the history of the items on the carryover list and based on the original warrant articles, made some suggestions for the Board's consideration. Administrator Eiane reported the auditors have indicated certain like items could be combined with Town Meeting approval. The Board discussed each item and agreed upon a final carryover list (attached) with some items lapsing. The Board would like to further consider at Town Meeting to combine certain reserves.

**13. 2010 Budget Review:** Staff suggests holding a Selectmen's meeting on January 28 with a primary focus on the 2010 budget review. Chairman Henderson moved, seconded by Selectman Multer to hold a meeting on January 28 at 5:30 p.m.; motion passed 3-0.

**14. Consider Secret Ballot Items:** Selectman Multer stated she prefers to place the Curtis Memorial Library on secret ballot. The Board discussed different amounts and options for the article. Chairman Henderson and Selectman Multer agreed to recommend the requested amount of \$119,884 and Selectman Wallace would not recommend the amount. There were no other items placed on secret ballot.

**15. Consider Waiving Fees for Harpswell Scouting Association:** Ian Marshall explained the Harpswell Scouting Assistance Association (HSAA) has received a donated boat and motor and requested the Board to waive the mooring and boat registration fees. Administrator Eiane stated the boat registration fees are set by the State and she doesn't believe the Board has the authority to waive those fees. The mooring fees are set by local ordinance and the Board could consider waiving the \$18.00. Chairman Henderson expressed concern about setting a precedent and instead said he could consider appropriating \$50 to HSAA in the budget. Chairman Henderson moved, seconded by Selectman Multer to include \$50 in the 2010 budget for HSAA; motion passed 3-0.

**16. Renewal Liquor License for Dolphin Marina, Map 17, Lot 34:** Deputy Administrator Sawyer reported there have not been any disorderly conduct calls to Cumberland County and no apparent code violations at the Dolphin Marina Restaurant. Chairman Henderson moved, seconded by Selectman Multer to sign the renewal liquor license for the Dolphin Marina; motion passed 3-0.

**17. Consider Amendments to the Public Participation Policy:** Selectman Multer suggested some changes to the Public Participation Policy by adding a time limit for speakers and by adding that a large group may choose its own representative. Chairman Henderson expressed concern about changing a policy based on one incident and would prefer using his judgment, as chair, on a case by case situation. Selectman Multer will work on more generic language to fine tune time constraints without listing a set time and the item will come back under old business at the next meeting.

**18. Consider Taking a Position on LD-1551: An Act to Further Regulate the Communications of Members of Public Bodies:** This was discussed under administrative meeting and Selectman Multer will provide further information at the next meeting.

**19. Committee Appointment(s) and Resignations(s):** Chairman Henderson thanked John Papacosma, Joanne Rogers and Elsa Martz for their participation and dedication in Town committees/stewards. The Board discussed the difficulties with the Comprehensive Plan Implementation Committee (CPIC) achieving its goals and how the Board can assist. The Board agreed to hold a workshop with the CPIC and the Town Planner. Selectman Multer moved, seconded by Chairman Henderson to appoint Jennifer Verplanck to the Mitchell Field Implementation Committee (MFIC); motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to cap the membership number of the MFIC to 9 from the next time someone resigns from or declines reappointment to the Committee; motion passed 3-0.

**20. Consider “Welcome to Harpswell” Sign Concept:** The Board discussed Chairman Henderson’s updated proposal to send a request for proposals to artists to design “Welcome to Harpswell” signs and to have a design review committee narrow the choices down to two for an informal vote at Town Meeting. It was discussed to include a more formal question on the Town Meeting warrant concerning the use of funds from the community development carryover for this project, including a \$500 award to the design winner. Administrator Eiane informed the Board that a member from the Harpswell Business Association (HBA) phoned in the afternoon and expressed concern that the HBA is not in charge of this project. Chairman Henderson stated he attended the HBA meeting last night and received support for proceeding as discussed tonight. Chairman Henderson moved, seconded by Selectman Wallace to continue as outlined; motion passed 3-0. Staff will provide a draft ballot.

**21. Contract with Bowdoin College for Use of Pool for Family Swim Program:** Administrator Eiane reviewed the contract for use of the Bowdoin College pool for the winter/spring family swim session at a cost of \$1,095.50. The program is free to residents of Harpswell, Topsham, Bowdoin and Bowdoinham who then split the cost of the Bowdoin College pool charge (prorated between the towns based on the attendees per town). Selectman Multer moved, seconded by Chairman Henderson to approve the contract; motion passed 3-0.

**22. Consider Request for Proposals for Transfer Switch at Recycling Center:** There was a discussion about the past request for proposals regarding the rotophaser issues at the Recycling Center. The manager, Fred Cantu, is recommending sending a request for proposals for a transfer switch which will allow one rotophaser to work when the other fails. Chairman Henderson moved, seconded by Selectman Multer to approve the request for proposals; motion passed 2-0 (Selectman Wallace abstained).

**23. Authorization of the Warrant:** Chairman Henderson moved, seconded by Selectman Multer to approve warrant #4 in the amount of \$713,895.90; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #5 in the amount of \$1,630.89; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #4 in the amount of \$13,599.72 was noted for the record.

The Board reviewed the remaining items from the administrative meeting; the Board agreed to the updated warrant article submitted by the Conservation Commission regarding the possibility of a conservation easement on Town property for the February 9 hearing; a catering permit was signed; the Board concurred with sending a letter to the president of the Harpswell Business Association from the Conservation Commission; the updated proposal from the possible consultant regarding FEMA was handed out; the Board agreed to provide the HBA with written comments regarding its previous application for a Cumberland County Development Block Grant; and the Board discussed an email situation that occurred between Chairman Henderson and Selectman Multer. The situation raised the question of whether a public official can be a member of private group’s email list and if the official responds to one portion of a long chain of emails – does that make the entire communication

public? Donna Frisolli expressed concern about Selectman Mutler and Chairman Henderson emailing one another as it may constitute a meeting and Selectman Wallace is left out since he does not have email. Selectman Multer noted the emailing is one way to state a position and doesn't get into a back and forth situation and the copies of the emails are printed and provided to Selectman Wallace. Administrator Eiane noted the Town attorney discourages emailing about substantive matters, and that if one sided emails are sent, they should be disclosed at a meeting.

**24. Adjournment:** The meeting adjourned by unanimous vote at 10:50 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Carrying Place Assembly comments  
2009 Carryover List  
Treasurer's Report

[Attachments are available at the Town Clerk's Office or by email at [harpswell@zwi.net](mailto:harpswell@zwi.net)]